

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series I No. 46 dt. 16-2-95 namely Extraordinary dated 16-2-95 from pages 563 to 564 regarding Notification from Finance (Rev. & Cont.) Dept.

GOVERNMENT OF GOA

Department of Personnel

Notification

1/3/89-PER(Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supercession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Services, Group 'A' Gazetted post in the Government Polytechnic, Government of Goa, namely:—

1. Short title, application and commencement.—

— (1) These rules may be called the Government of Goa, Government Polytechnic, Group 'A' Gazetted post, Recruitment Rules, 1995.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if, satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax, any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/34(5)/94 dated 1-12-1994.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 24th January, 1995.

SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of pro- bation if any	Method of recruitment whe- ther by direct or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Principal	2 (1994) subject to varia- tion de- pendent on work- load	Goa General Service Group 'A' Ga- zatted	Rs. 4500- -150- -5700- -200- -6900	Selection	Not ex- ceeding 50 years (Relaxable for Go- vernment servants upto 5 years in accordan- ce with the ins- tructions or orders issued by the Go- vernment)	No	<p><i>Essential:</i></p> <p>(i) First Class Master's Degree in Engineer- ing/ Technology in any branch of study</p> <p>OR</p> <p>Ph.D. Degree in any branch in Humani- ties/ Sciences</p> <p>(ii) 12 years' experience in teaching/industry/ research with at least 5 years at the level of Head of Department, Poly- technic or its equi- valent.</p> <p><i>Desirable:</i></p> <p>Knowledge of Konkani and/or Marathi.</p>	Age: No Qualifica- tion: Yes	One year	By promotion failing which by transfer on de- putation and failing both by direct recruit- ment	<p><i>Promotion:</i></p> <p>Head of Department with 5 years regular service in the grade.</p> <p><i>Transfer on deputa- tion:</i></p> <p>Officer of the Central/ /State Governments:</p> <p>(a) holding analogous posts on regular basis; or</p> <p>(ii) with 5 years regular ser- vice in posts in the scale of Rs. 3000- -4500 or equi- valent; or</p> <p>(iii) with 7 years regular ser- vice in posts in scale of Rs. 2200-4000 or equivalent; and</p> <p>(b) possessing the educational 'qua- lifications and ex- perience prescri- bed for direct recruits under column 7.</p> <p>(The departmen- tal Officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment.)</p>	Group 'A' D.P.C. consisting of:	As requir- ed under the Goa Public Ser- vice Com- mission (Exemp- tion from consulta- tion) Re- gulation 1988. Con- sultation with Goa Public Service Commis- sion is ne- cessary for making direct recruit- ment, pro- motion and confirma- tion and for selec- ting an officer for appoint- ment on deputation and amending/ /relaxing any of the provisions of these rules.
												<p>(1) Chair- man/ /Mem- ber Goa Public Service Com- mission - Chair- man</p> <p>(2) Chief Secre- tary or his nomi- nee- Mem- ber</p> <p>(3) Admi- nistra- tive Secre- tary/ /Head of De- partment- Mem- ber</p>	

Department of Mines

Notification

5/46/84-MINES

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, for clause (e), the following clause shall be substituted, namely:—

“(e) ‘Inspecting Officer’ means the Senior Technical Assistant or the Assistant Geologist or the Technical Assistant in the Directorate of Industries and Mines or any other Officer authorised by the Government to exercise all or such of the powers of the Inspecting Officer as the Government may specify”.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Mines).

Panaji, 24th January, 1995.

Law (Legal and Legislative Affairs) Department

Notification

12-2-94/LA

The Patents (Amendment) Ordinance, 1994 (Central Ordinance No. 13 of 1994) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary Part II, Section I, dated 31st December, 1994, is hereby published for the general information of the public.

P. V. Kādnekar, Joint Secretary (Law).

Panaji, 30th January, 1995.

MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st December, 1994/
/Pausa 10, 1916 (Saka).

THE PATENTS (AMENDMENT)
ORDINANCE, 1994

No. 13 of 1994

Promulgated by the President in the Forty-fifth
Year of the Republic of India.

An Ordinance further to amend the Patent Act, 1970.

WHEREAS India is a signatory to the agreement for the establishment of the World Trade Organisation including the Agreement on Trade Related Aspects of Intellectual Property Rights for the purpose of reduction of distortions and impediments to international trade and promotion of effective and adequate protection of intellectual property rights.

AND WHEREAS with a view to meeting India's obligations under the said Agreement while safeguarding its interests, it has become necessary to amend the Patents Act, 1970 in conformity with the obligations under the Agreement that signatory countries, in formulating or amending their laws and regulations, may adopt measures consistent with the said agreement, necessary to protect public health and nutrition and to promote public interest in sectors of vital importance to their socio-economic and technological development;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Patents (Amendment) Ordinance, 1994.

(2) It shall come into force on the 1st day of January, 1995.

2. *Amendment of section 5.*— Section 5 of the Patents Act, 1970 (hereinafter referred to as the Principal Act) shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a claim for patent of an invention for a substance itself intended for use, or capable of being used, as medicine or drug may be made and shall be dealt, without prejudice to the other provisions of this Act, in the manner provided in Chapter IV A.”.

9. *Insertion of new Chapter IV A.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IV A

Exclusive Marketing Rights

24A. *Application for grant of exclusive rights.*—

(1) Notwithstanding anything contained in sub-section (1) of section 12, the Controller shall not, under that sub-section, refer an application in respect of a claim for a patent covered under sub-section (2) of section 5 to an examiner for making a report till the 31st day of December, 2004 and shall, where an application for grant of exclusive right to sell or distribute the article or substance in India has been made in the pres-

cribed form and manner and on payment of prescribed fee, refer the application for patent, to an examiner for making a report to him as to whether the invention is not an invention within the meaning of this Act in terms of section 3 or the invention is an invention for which no patent can be granted in terms of section 4.

(2) Where the Controller, on receipt of a report under sub-section (1) and after such other investigation as he may deem necessary, is satisfied that the invention is not an invention within the meaning of this Act in terms of section 3 or the invention is an invention for which no patent can be granted in terms of section 4, he shall reject the application for exclusive right to sell or distribute the article or substance.

(3) In a case where an application for exclusive right to sell or distribute an article or a substance is not rejected by the Controller on receipt of a report under sub-section (1) and after such other investigation, if any, made by him, he may proceed to grant exclusive right to sell or distribute the article or substance in the manner provided in section 24B.

24B. Grant of exclusive rights.— Where a claim for patent covered under sub-section (2) of section 5 has been made and the applicant has,—

(a) where an invention has been made in a country other than India and before filing such a claim, filed an application for the same invention claiming identical article or substance in a convention country on or after the 1st day of January, 1995 and the patent on the basis of appropriate tests conducted in that country has been granted on or after the date of making a claim for patent covered under sub-section (2) of section 5; or

(b) where an invention has been made in India and before filing such a claim, made a claim for patent on or after the 1st day of January, 1995 for method or process of manufacture for that invention relating to identical article or substance and, has been granted the patent therefor on or after the date of making a claim for patent covered under sub-section (2) of section 5,

and has received the approval to sell or distribute the article or substance from the authority specified in this behalf by the Central Government, then, he shall have the exclusive right by himself, his agents or licensees to sell or distribute in India the article or the substance on and from the date of approval granted by the Controller in this behalf till a period of five years or till the date of grant of patent or the date of rejection of application for the grant of patent, whichever is earlier.

(2) Where, the specifications of an invention relating to an article or a substance covered under sub-section (2) of section 5 have been recorded in a document or the invention has been tried or used, or, the article or the substance has been sold, by a person, before a claim for a patent

of that invention is made in India or in a convention country, then, the sale or distribution of the article or substance by such person, after the claim referred to above is made, shall not be deemed to be an infringement of exclusive right to sell or distribute under sub-section (1):

Provided that nothing in this sub-section shall apply in a case where a person makes or uses an article or a substance with a view to selling or distributing the same, the details of invention relating thereto were given by a person who was holding an exclusive right to sell or distribute the article or substance.

24C. Compulsory licences.—The provisions in relation to compulsory licences in Chapter XVI shall, subject to the necessary modifications, apply in relation to an exclusive right to sell or distribute under section 24B as they apply to, and in relation to, a right under a patent to sell or distribute and for that purpose the following modifications shall be deemed to have been made to the provisions of that Chapter and all their grammatical variations and cognate expressions shall be construed accordingly, namely:—

(a) throughout Chapter XVI, working of the invention shall be deemed to be selling or distributing the article or substance;

(b) three years from the date of sealing of a patent in section 84 shall be deemed to be two years from the date of approval by the Controller for exclusive right to sell or distribute under section 24B;

(c) the time which has elapsed since the sealing of the patent under section 85 shall be deemed to be the time which has elapsed since the approval by the Controller for exclusive right to sell or distribute under section 24B;

(d) clause (d) and clause (e) of section 90 shall be omitted;

24D. Special provision for selling or distribution.— (1) Without prejudice to the provisions of any other law for the time being in force, where, at any time after an exclusive right to sell or distribute any article or substance has been granted under sub-section (1) of section 24B, the Central Government is satisfied that it is necessary or expedient in the public interest to sell or distribute the article or substance by a person other than a person to whom exclusive right has been granted under sub-section (1) of section 24B, it may, by itself or through any person authorised in writing by it in this behalf, sell or distribute the article or substance.

(2) The Central Government may, by notification in the Official Gazette and at any time after an exclusive right to sell or distribute an article or a substance has been granted, direct, in the public interest and for reasons to be stated, that the said article or substance shall be sold at a price determined by an authority specified by it in this behalf.

24E. Suits relating to infringements.— All suits relating to infringement of a right under section

24B shall be dealt with in the same manner as if they are suits concerning infringement of patents under Chapter XVIII.

24F. *Central Government and its officers not to be liable.*— The examination and investigations required under this Chapter shall not be deemed in any way to warrant the validity of any grant of exclusive right to sell or distribute, and no liability shall be incurred by the Central Government or any officer hereof by reason of, or in connection with, any such examination or investigation or any report or other proceedings consequent thereon.”

4. *Omission of section 39.*— Section 39 of the principal Act shall be omitted.

5. *Amendment of section 40.*— In section 40 of the principal Act, the words and figures “or makes or causes to be made an application for the grant of a patent outside India in contravention of section 39” shall be omitted.

6. *Amendment of section 64.*— In section 64 of the principal Act, in sub-section (1), in clause (n), the words and figures “or made or caused to be made an application for the grant of a patent outside India in contravention of section 39” shall be omitted.

7. *Amendment of section 118.*— In section 118 of the principal Act, the words and figures “or makes or causes to be made an application for the grant of a patent in contravention of section 39” shall be omitted.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Law (Establishment) Department

Notification

3-1-87/ELEC-Vol-II

The following Notification No. 56/95(2), dated 10.1.1995 issued by the Election Commission of India, New Delhi is hereby published for general information.

B. S. Subbanna, Law Secretary/Joint Chief Electoral Officer.

Panaji, 18th January, 1995.

Election Commission of India

*Nirvachan Sadan,
Ashoka Road,
New Delhi.*

Dated 10th January, 1995.

20 Pausa, 1916 (Saka)

Notification

No. 56/95(2).— In pursuance of clause (d) of sub-para (1) and sub-para(2) of paragraph 17 of

the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment to its Notification No. 56/92, dated 7-1-1993 published as O. N. 2(E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part II, section 3(iii), and as amended from time to time, namely:—

In TABLE IV appended to the said notification— Against the name of the State “18. Orissa” under column 1, the following entries shall be *inserted* under column 2:—

- “27. Bell
- 28. Bucket
- 29. Comb
- 30. Conch
- 31. Flute
- 32. Ring
- 33. Rising Sun
- 34. Saw
- 35. Two Leaves.”

By Order,

S. K. MENDIRATTA
Secretary

Notification

3-1-87/ELEC-Vol. II

The following Notification No. 56/95(4), dated 14-1-1995 issued by the Election Commission of India, New Delhi is hereby published for general information.

B. S. Subbanna, Law Secretary/Joint Chief Electoral Officer.

Panaji, 31st January, 1995.

Election Commission of India

*Nirvachan Sadan,
Ashoka Road,
New Delhi.*

Dated 14th January, 1995.

24, Pausa, 1916 (Saka)

Notification

No. 56/95(4).— Whereas, the Election Commission of India has reviewed the poll performance of all political parties at the general elections to the State Legislative Assemblies of Andhra Pradesh, Goa, Karnataka and Sikkim held in November-December, 1994, in terms of paras 6 and 7 of the Election Symbols (Reservation and Allotment) Order, 1968; and

2. Whereas, on such review the Election Commission is satisfied that the United Goans Democratic Party, a registered un-recognised party, has become eligible for recognition as a State Party in

Goa, the Karnataka Congress Party, a registered un-recognised party, has become eligible for recognition as a State Party in Karnataka, and the Sikkim Democratic Front, a registered un-recognised party, has become eligible for recognition as a State Party in Sikkim, in terms of para 6(2) of the Election Symbols (Reservation and Allotment) Order, 1968; and

3. Whereas, the Election Commission has decided to recognise the said United Goans Democratic Party as a State Party in Goa, Karnataka Congress Party as a State Party in Karnataka, and Sikkim Democratic Front as a State Party in Sikkim and to reserve the symbols "Two Leaves", "Bicycle" and "Umbrella" respectively for the said parties in the respective States;

4. Now, Therefore, in pursuance of clauses (b), (c) and (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments to its Notification No. 56/92, dated 7-1-1993, published as O. N. 2(E) in the Gazette of India, Extraordinary, Part II, section 3(iii) on 8-1-1993, and as amended from time to time, namely:—

(I) In TABLE II of the said notification, —

(1) against the entry "Goa" in column 1, the existing entry in column 2 relating to Maharashtra Gomantak shall be numbered as "1" and below that entry as so numbered, following entries shall be *inserted* in columns 2, 3 and 4 respectively:—

"2. United Goans Democratic Party	Two Leaves	'PARIMAL' Altinho, P. O. Box-114, Panjim, Goa-403 001."
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(2) below the entries relating to the State of Jammu and Kashmir, following entries shall be *inserted* under columns 1, 2, 3 and 4 respectively:—

"Karnataka Congress Party	Karnataka	Bycycle	190, Sankey Road, Sadashivanagar, Bangalore-560 080."
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(3) against the entry "Sikkim" in column 1, the following entries shall be *inserted* in columns 2, 3 and 4 respectively:—

"3. Sikkim Democratic Front	Umbrella	H.O. Namchi, Sikkim-737 126."
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(II) In TABLE III of the said notification, the entries under columns 1 and 2 relating to "United Goans Democratic Party", "Sikkim Democratic Front" and "Karnataka Congress Party", mentioned at serial Nos. 308, 327 and 335 respectively shall be deleted;

(III) In TABLE IV of the said notification —

(1) against "10-Karnataka" in column 1, the entry '6. Bicycle' specified in column 2 SHALL BE DELETED;

(2) against "21-Sikkim" in column 1, the entry "32. Umbrella" specified in column 2 SHALL BE DELETED.

By Order,
S. K. MENDIRATTA
Secretary
Election Commission of India